

ORIGINAL

INTERVENTION



0000138730

LUBIN & ENOCH, P.C.

Nicholas J. Enoch

State Bar No. 016473

Jarrett J. Haskovec

State Bar No. 023926

349 North Fourth Avenue

Phoenix, Arizona 85003

Telephone: (602) 234-0008

Facsimile: (602) 626-3586

Email: Nick@lubinandenoch.com

Jarrett@lubinandenoch.com

Attorneys for Intervenor-Applicant IBEW Local 1116

RECEIVED

2012 AUG 23 P 3: 52

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

AUG 23 2012

DOCKETED BY

JM

BEFORE THE ARIZONA

CORPORATION COMMISSION

IN THE MATTER OF THE
APPLICATION OF TUCSON
ELECTRIC POWER COMPANY FOR
THE ESTABLISHMENT OF JUST
AND REASONABLE RATES AND
CHARGES DESIGNED TO REALIZE
A REASONABLE RATE OF RETURN
ON THE FAIR VALUE OF ITS
OPERATIONS THROUGHOUT THE
STATE OF ARIZONA.

Docket No. E-01933A-12-0291

**IBEW LOCAL 1116'S APPLICATION
FOR LEAVE TO INTERVENE**

Pursuant to A.A.C. R14-3-105(A) and (B), Local Union 1116, International Brotherhood of Electrical Workers, AFL-CIO ("IBEW Local 1116"), by and through undersigned counsel, hereby moves the Arizona Corporation Commission for leave to intervene as a party in the above-captioned matter. Counsel for Tucson Electric Power Company ("TEP") has advised the undersigned that TEP does not oppose the instant motion.

IBEW Local 1116 is directly and substantially affected by the proceedings inasmuch as it is the exclusive bargaining representative of approximately seven-hundred (700) non-managerial TEP employees. The Arizona Constitution expressly recognizes the employees of public service corporations as central stakeholders and their interests as important considerations for any Commission action. Article XV, §3 of the Arizona Constitution provides in this regard that "[t]he Corporation Commission shall . . . make and enforce reasonable rules, regulations, and orders for the convenience, comfort, and safety, and the preservation of the health, of the employees and patrons of [public service corporations]."

1 Among many others, such represented employees includes employees in the following
2 crafts and classifications: linemen/cablemen, substation electricians, fuel handlers, electronics
3 technicians, equipment servicemen, field technicians, designers, heavy equipment and transport
4 operators, maintenance electricians, maintenance mechanics, and meter repairmen. Even a
5 cursory review of this illustrative list reveals that such represented employees are among those
6 who contribute daily, directly, and significantly to TEP's efforts to provide safe and reliable
7 electric service to its customers.


8 IBEW Local 1116, in its capacity as the exclusive representative of these employees, and
9 TEP have entered into a long series of collective bargaining agreements ("CBA") dating back to
10 November 16, 1937 concerning rates of pay, wages, hours of employment, and other terms and
11 conditions of employment. The current CBA remains in force between the parties with the
12 earliest date of termination being January 20, 2013. Furthermore, IBEW Local 1116 was a party
13 to the 2008 TEP Rate Case Settlement Agreement, which was approved in Decision No. 70628.

14 As the foregoing demonstrates, IBEW Local 1116 not only has a direct interest in the
15 outcome of this rate proceeding, but what is more, there is a substantial risk that this case may
16 impair its interests absent being permitted to intervene into the above-captioned matter. IBEW
17 Local 1116 is confident that its participation in these proceedings will not unduly broaden the
18 issues presented herein. Similarly, given its unique status as the exclusive representative of many
19 TEP employees, no existing (or potential) party could adequately protect the interests of IBEW
20 Local 1116. IBEW Local 1116 submits that its participation will lead to a more well-reasoned
21 decision on the part of the Arizona Corporation Commission.

22 **WHEREFORE**, IBEW Local 1116 respectfully requests that the Commission issue an
23 order permitting it to intervene in this matter and according it full rights as a party of record.

24 RESPECTFULLY SUBMITTED this 23rd day of August, 2012.

25 LUBIN & ENOCH, P.C.

26
27 
28 Jarrett J. Haskovec
Attorneys for Intervenor-Applicant

1 Original and thirteen (13) copies
2 of IBEW Local 1116's Application
3 to Intervene filed this 23rd day
4 of August, 2012, with:

5 Arizona Corporation Commission
6 Docket Control Center
7 1200 West Washington Street
8 Phoenix, Arizona 85007-2996

9 Copies mailed this same date to:

10 Lyn Farmer
11 Chief Administrative Law Judge
12 Hearing Division
13 Arizona Corporate Commission
14 1200 West Washington Street
15 Phoenix, Arizona 85007

16 Steve Olea
17 Director, Utilities Division
18 Arizona Corporation Commission
19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 Janice Alward
22 Chief Counsel, Legal Division
23 Arizona Corporation Commission
24 1200 West Washington Street
25 Phoenix, Arizona 85007

26 Bradley Carroll
27 Tucson Electric Power Company
28 88 East Broadway Boulevard, MS HQE910
P.O. Box 711
Tucson, Arizona 85702

Michael Patten
Jason Gellman
Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren Street, Ste. 800
Phoenix, Arizona 85004

Daniel Pozefsky
Chief Counsel
Residential Utility Consumer Office
1110 West Washington Street, Suite 220
Phoenix, Arizona 85007

C. Webb Crockett
Fennemore Craig, P.C.
3003 North Central Avenue, Suite 2600
Phoenix, Arizona 85012

Kevin Higgins
215 South State Street, Ste. 200
Salt Lake City, Utah 84111

Lawrence Robertson, Jr.
P.O. Box 1448
Tubac, Arizona 85646

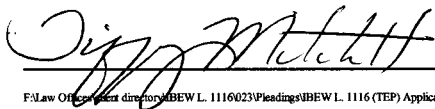
Kurt Boehm
Boehm, Hurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202

John Moore, Jr.
7321 North Sixteenth Street
Phoenix, Arizona 85020

Leland Snook
Zachary J. Fryer
Arizona Public Service Company
P.O. Box 53999
Mail Station 9708
Phoenix, Arizona 85072

Thomas Mumaw
Melissa Krueger
Pinnacle West Capital Corporation
P.O. Box 53999
Mail Station 8695
Phoenix, Arizona 85072

Stephen Baron
570 Colonial Park Drive
Suite 305
Roswell, Georgia 30075



F:\Law Office\external directory\BEWL 1116\023\Pleadings\BEWL 1116 (TEP) Application to Intervene.wpd